



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/513,960	02/28/2000	Joel Frederic Plotkin	EJOU0010U/US	9067

31518 7590 05/07/2003

NEIFELD IP LAW, PC
2001 JEFFERSON DAVIS HIGHWAY
ARLINGTON, VA 22202

EXAMINER

BORISSOV, IGOR N

ART UNIT	PAPER NUMBER
----------	--------------

3629

DATE MAILED: 05/07/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/513,960

Applicant(s)

PLOTKIN, JOEL FREDERICK

Examiner

Igor Borissov

Art Unit

3629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02/20/03.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-12 and 14-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-12 and 14-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-2, 4-12 and 14-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Plantz et al. (U. S. 6,088,702) in view of Hager et al. (U. S. 5,377,355) and Price et al. ("Peering Into Peer Review "; (Publication)).

Plantz et al. teach a method and system for permitting coordinated publishing, assembly and administration of texts by an unlimited number of authors or editors, comprising:

As per claims 1-2, 11-12 and 20-22,

- receiving manuscript data defining a manuscript comprising at least one of text data, audio data, and video data (column 7, lines 37-43, 58-63; column 8, lines 20-27; column 9, lines 24-31);
- prompting a potential reviewer for agreement to review said manuscript (column 8, lines 20-30);
- storing agreement data received from said potential reviewer (column 8, lines 20-30, 59-67; column 10, lines 1-13).

Art Unit: 3629

- transmitting a signal prompting an additional potential reviewer for agreement to review said manuscript based on stored agreement data from at least one potential reviewer (column 8, lines 59-67).

Plantz et al. does not specifically teach for storing a decision whether to publish, and transmitting said signal if said potential reviewer disagrees to review said manuscript.

Hager et al. teach a method and system for automatically initiating additional procedures with regard to a document, wherein evaluators vote to publish the document, and a decision whether to publish is stored (Abstract; column 2, lines 39-53; column 7, lines 20-21; column 7, line 48 through column 8, line 1; column 8, lines 44-51; column 9, lines 48-57).

Publication, which appears to be published on December 1995, discloses a current practice of reviewing manuscripts in science journals, wherein reviewers may decline the offer to review a manuscript (see pages 1 and 2).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Plantz et al. to include that the decision whether to publish can be stored, and transmitting said signal if said potential reviewer disagrees to review said manuscript, because it would enhance the performance of the system thereby making it more attractive to customers.

As per claims 4-5 and 14-15, Plantz et al. teach said method and system, comprising:

Art Unit: 3629

- storing data indicating an identification of an associate editor for said manuscript in association with said manuscript data (column 10, lines 8-36);
- storing at least one date on which said associate editor assigns a potential reviewer (column 10, lines 12-14).

As per claims 6 and 16, Plantz et al. teach said method and system, comprising:

- storing a date on which at least one of receiving said manuscript, prompting a potential reviewer, and receiving agreement data occurs (column 10, lines 12-14, 46-62).

As per claims 7-8 and 17-18, Plantz et al. teach said method and system, comprising:

- authorizing transmission of said manuscript to at least one of associate editors, potential reviewers and reviewers of said manuscript (column 10, lines 46-62).

As per claims 9-10 and 19, Plantz et al. teach said method and system, wherein said authorizing transmission comprises storing, in association with said unique identification, an identification of an associate editor and a reviewer (column 10, lines 30-62).

As per claim 23, Plantz et al. and Publication teach tracking said manuscript and storing said tracking information in a database (column 6, line 66 through column 7, line 2; column 11, lines 14-21, 31-33).

Hager et al. teach said method and system wherein it is determined whether evaluator votes have been received with regard to a particular document, and a prompting message may be utilized to induce an evaluator to submit a vote for the

Art Unit: 3629

document if the evaluator has not done so within a preselected period of time (column 9, lines 27-37).

As per claim 24, Hager et al. teach said method and system wherein said final decision for publishing is made by a majority tallying of the individual reviews, if all reviewers indicate said manuscript should be published, said manuscript is automatically sent to a printing queue or printing facility (Abstract; column 2, lines 39-53; column 7, lines 20-21; column 7, line 48 through column 8, line 1; column 8, lines 44-51; column 9, lines 48-57).

THIS ACTION IS NOT MADE FINAL. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure (see form PTO-892).

Any inquiry concerning this communication should be directed to Igor Borissov at telephone number (703) 305-4649.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Receptionist whose telephone number is (703) 308-1113.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's Supervisor, John Weiss, can be reached at (703) 308- 2702.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Application/Control Number: 09/513,960
Art Unit: 3629

Page 6

Washington D.C. 20231

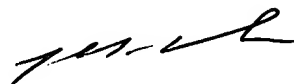
or faxed to:

(703) 305-7687 [Official communications; including
After Final communications labeled
"Box AF"]

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal
Drive,

Arlington, VA, 7th floor receptionist.

JB



**JOHN G. WEISS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600**